

PATENT

Atty. Dkt. No. 003493.00291 (ATT 2001-0305)

**REMARKS**

In view of the following discussion, the Applicants submit that none of the claims now pending in the application are made obvious under the provisions of 35 U.S.C. § 103. Thus, the Applicants believe that all of these claims are now in allowable form.

**I. REJECTION OF CLAIMS 1-13 AND 16 UNDER 35 U.S.C. § 103****A. Claims 1-2, 5, 9-12 and 16**

The Examiner rejected claims 1-2, 5, 9-12 and 16 as being unpatentable in view of McConnell et al. (U.S. Patent 6,373,930, issued on April 16, 2002, hereinafter "McConnell") in view of Davitt, et al. (U.S. Patent 6,137,872, issued on October 24, 2000, hereinafter "Davitt"). The Applicants respectfully traverse the rejection.

McConnell teaches a method and system for monitoring telecommunications traffic. When a switch receives a call request, the switch sends a query message to a service controller. (See McConnell, Abstract). The service controller identifies the call request as a request to place a special service call and therefore, returns to the switch a special service code, which causes the switch to route the call via a special looparound circuit to a destination. (See *Id.*).

Davitt teaches a combination pre-paid and calling card. Davitt teaches that a methodology associated with the pre-pad calling card allows the subscriber to continue a call upon depletion of the card. (See Davitt, col. 4, ll. 4-8).

The Examiner's attention is directed to the fact that McConnell and Davitt, alone or in any permissible combination, completely fails to teach or to suggest a system or method for automated interactive management of a communication service account comprising a server and modifying a first account parameter and a second account parameter in response to a customer-initiated signal, wherein the first account parameter is a number of calling plan minutes allocated for a first time period and the second account parameter is a number of calling plan minutes allocated for a second time period, as positively claimed by the Applicants' independent claims. To illustrate, Applicants' independent claim 1 recites:

1. A system for automated interactive management of a communication service

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account, said account having parameters establishing rules of use, comprising:  
a server; and

a data storage device in communication with the server, the data storage device comprising account data that comprises the parameters establishing rules of use of at least one subscribed communication service, where said at least one subscribed communication service is accessible by a user device,

wherein the server is configured to receive a customer-initiated signal requesting modification of a first account parameter and a second account parameter from said parameters and to modify the first account parameter and the second account parameter in response to the customer-initiated signal,

wherein the server is further configured to update the first account parameter based upon use of the at least one subscribed communication service by the user device, and the server is further configured to, upon the first account parameter reaching a first predetermined value, automatically reset the first account parameter to a second predetermined value,

wherein the first account parameter is a number of calling plan minutes allocated for a first time period, the second account parameter is a number of calling plan minutes allocated for a second time period, the server is configured to update the number of calling plan minutes allocated for all time periods based upon the user device placing a plurality of wireless telephone calls, the first predetermined value is a minimum calling plan minute threshold, and the second predetermined value is larger than the first predetermined value. (Emphasis added).

In one embodiment, Applicants' system and method teach automated interactive management of a communication service account where the account data comprises modifying first and second account parameters in response to a customer-initiated signal, wherein the first account parameter is a number of calling plan minutes allocated for a first time period and the second account parameter is a number of calling plan minutes allocated for a second time period. (e.g., See Applicants' specification, para. 20). For example, subscribers can exchange minutes applicable for one period for minutes applicable in a second period for a subscribed communication service. (See *Id.*). In other words, Applicants' invention allows usage parameters associated with a subscribed communication service to be adjustable by a user in an automated and interactive manner. The communication service is not being provisioned by the user-initiated signal. Instead, the user is able to manipulate the usage parameter, e.g., dialing plan, of the existing subscribed communication service.

McConnell fails to teach or suggest modifying first and second account parameters in response to the customer-initiated signal, wherein the first account

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parameter is a number of calling plan minutes allocated for a first time period and the second account parameter is a number of calling plan minutes allocated for a second time period. As discussed above, McConnell only teaches a method and system for monitoring telecommunications traffic. (See McConnell, Abstract). The Examiner concedes this in the Final Office Action. (See Final Office Action, page 3, lines 12-19). However, the Examiner then alleges that Davitt bridges the substantial gap left by McConnell.

Davitt fails to bridge the substantial gap left by McConnell because Davitt also fails to teach or to suggest modifying first and second account parameters in response to the customer-initiated signal, wherein the first account parameter is a number of calling plan minutes allocated for a first time period and the second account parameter is a number of calling plan minutes allocated for a second time period. Davitt only teaches a methodology associated with a pre-pad calling card that allows the subscriber to continue a call upon depletion of the card. (See Davitt, col. 4, ll. 4-8). In other words, the pre-paid calling card does not have a second account parameter associated with it so that a subscriber may exchange calling plan minutes allocated for a second time period with calling plan minutes allocated for a first time period. Rather, Davitt only teaches that a user has the option of automatically or manually replenishing the pre-paid calling card by being billed, using a credit card or some other form of payment. (See Davitt, col. 4, ll. 18-25, 54-58). In contrast, the Applicants' invention teaches modifying first and second account parameters in response to the customer-initiated signal, wherein the first account parameter is a number of calling plan minutes allocated for a first time period and the second account parameter is a number of calling plan minutes allocated for a second time period. For example, subscribers can exchange minutes applicable for one period for minutes applicable in a second period for a subscribed communication service. (e.g., See Applicants' Specification, Paragraph 20.) Therefore, McConnell and Davitt clearly fail to render obvious Applicants' independent claim 1.

Moreover, dependent claims 2, 5, 9-12 and 16 depend, either directly or indirectly, from independent claim 1 and recite additional limitations. As such, and for the exact same reason set forth above, the Applicants submit that claims 2, 5, 9-12 and

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16 are also patentable and not obvious over McConnell in view of Davitt. As such, the Applicants respectfully request the rejection be withdrawn.

B. Claims 3-4 and 6-7

The Examiner rejected claims 3-4 and 6-7 as being unpatentable in view of McConnell in view of Davitt and in further view of Resnick, et al. (U.S. Patent Publication 2001/0001321, published on May 17, 2001, hereinafter "Resnick"). The Applicants respectfully traverse the rejection.

The teachings of McConnell and Davitt have been discussed above. Resnick teaches an electronic payment system utilizing an intermediary account. Payments in cash are submitted to a merchant at a point of sale and the payment transaction is effected electronically to credit the end user's intermediary account. (See Resnick, Abstract.)

The Examiner's attention is directed to the fact that the alleged combination (as taught by McConnell and Davitt) fails to disclose the novel system or method for automated interactive management of a communication service account comprising a server and modifying first and second account parameters in response to the customer-initiated signal, wherein the first account parameter is a number of calling plan minutes allocated for a first time period and the second account parameter is a number of calling plan minutes allocated for a second time period, as positively claimed by the Applicants' independent claim 1. (See *supra*.)

The Applicants' invention teaches a system or method for automated interactive management of a communication service account comprising a server and modifying first and second account parameters in response to the customer-initiated signal, wherein the first account parameter is a number of calling plan minutes allocated for a first time period and the second account parameter is a number of calling plan minutes allocated for a second time period. In contrast, as discussed above, the combination of McConnell and Davitt simply does not teach or suggest the novel system or method for automated interactive management of a communication service account comprising a server and modifying first and second account parameters in response to the customer-initiated signal, wherein the first account parameter is a number of calling plan minutes

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allocated for a first time period and the second account parameter is a number of calling plan minutes allocated for a second time period.

Moreover, Resnick does not bridge the substantial gap left by McConnell and Davitt because Resnick also fails to teach or suggest a system or method for automated interactive management of a communication service account comprising a server and modifying first and second account parameters in response to the customer-initiated signal, wherein the first account parameter is a number of calling plan minutes allocated for a first time period and the second account parameter is a number of calling plan minutes allocated for a second time period. Resnick only teaches an electronic payment system utilizing an intermediary account. (See Resnick, Abstract.) Thus, for all of the above reasons, the Applicants respectfully contend that claim 1 of the present invention is not made obvious by the combination of McConnell, Davitt and Resnick.

Furthermore, dependent claims 3-4 and 6-7 depend, either directly or indirectly, from claim 1 and recite additional limitations. As such, and for the exact same reason set forth above, the Applicants submit that claims 3-4 and 6-7 are also patentable and not made obvious by the teachings of McConnell, Davitt and Resnick. As such, the Applicants respectfully request the rejection be withdrawn.

C. Claims 8 and 13

The Examiner rejected claims 8 and 13 as being unpatentable in view of McConnell in view of Davitt and in further view of Burton, et al. (U.S. Patent Publication 2002/0055878, published on May 9, 2002, hereinafter "Burton"). The Applicants respectfully traverse the rejection.

The teachings of McConnell and Davitt have been discussed above. Burton teaches methods and apparatus for on-line ordering. The invention provides a system and method for ordering supplies from suppliers or other e-commerce activities and standards for placing orders and registering catalog information in a database. (See Burton, Abstract.)

The Examiner's attention is directed to the fact that the alleged combination (as taught by McConnell and Davitt) fails to disclose the novel system or method for automated interactive management of a communication service account comprising a

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server and modifying first and second account parameters in response to the customer-initiated signal, wherein the first account parameter is a number of calling plan minutes allocated for a first time period and the second account parameter is a number of calling plan minutes allocated for a second time period, as positively claimed by the Applicants' independent claim 1. (See *supra*.)

The Applicants' invention teaches a system or method for automated interactive management of a communication service account comprising a server and modifying first and second account parameters in response to the customer-initiated signal, wherein the first account parameter is a number of calling plan minutes allocated for a first time period and the second account parameter is a number of calling plan minutes allocated for a second time period. In contrast, as discussed above, the combination of McConnell and Davitt simply does not teach or suggest the novel system or method for automated interactive management of a communication service account comprising a server and modifying first and second account parameters in response to the customer-initiated signal, wherein the first account parameter is a number of calling plan minutes allocated for a first time period and the second account parameter is a number of calling plan minutes allocated for a second time period.

Moreover, Burton does not bridge the substantial gap left by McConnell and Davitt because Burton also fails to teach or suggest a system or method for automated interactive management of a communication service account comprising a server and modifying first and second account parameters in response to the customer-initiated signal, wherein the first account parameter is a number of calling plan minutes allocated for a first time period and the second account parameter is a number of calling plan minutes allocated for a second time period. Burton only teaches methods and an apparatus for on-line ordering. (See Burton, Abstract.) Thus, for all of the above reasons, the Applicants respectfully contend that claim 1 of the present invention is not made obvious by the combination of McConnell, Davitt and Burton.

Furthermore, dependent claims 8 and 13 depend, either directly or indirectly, from claim 1 and recite additional limitations. As such, and for the exact same reason set forth above, the Applicants submit that claims 8 and 13 are also patentable and not made obvious by the teachings of McConnell, Davitt and Burton. As such, the

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Applicants respectfully request the rejection be withdrawn.

## **II. CLAIM AMENDMENTS**

It should be noted that various claims have been amended to provide proper antecedent basis, and/or to provide an expanded term for an acronym. These amendments are not provided in response to the cited references. No new matter is added.

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**Conclusion**

Thus, the Applicants submit that all of these claims now fully satisfy the requirement of 35 U.S.C. §103. Consequently, the Applicants believe that all these claims are presently in condition for allowance. Accordingly, both reconsideration of this application and its swift passage to issue are earnestly solicited.

If, however, the Examiner believes that there are any unresolved issues requiring the maintenance of the present final action in any of the claims now pending in the application, it is requested that the Examiner telephone Mr. Kin-Wah Tong, Esq. at (732) 530-9404 so that appropriate arrangements can be made for resolving such issues as expeditiously as possible.

Respectfully submitted,



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Patterson & Sheridan, LLP  
595 Shrewsbury Avenue  
Shrewsbury, New Jersey 07702

Kin-Wah Tong, Attorney  
Reg. No. 39,400  
(732) 530-9404